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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,717	07/03/2003	Joseph Wascow	0212.66426	4989
24978	7590	11/29/2007		
GREER, BURNS & CRAIN 300 S WACKER DR 25TH FLOOR CHICAGO, IL 60606			EXAMINER CHOI, STEPHEN	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/613,717	WASCOW, JOSEPH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen Choi	3724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-21 and 32-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-21 is/are allowed.
- 6) ☒ Claim(s) 32-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 22, 2007 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 32-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 32 and 42 are indefinite in that it is not clear whether "a plurality of spaced position recesses" on line 12 is referring back to "a position recess" set forth in line 11. It is respectfully suggested to change "a position recess" on line 11 to --one of a plurality of spaced position recesses-- and "a plurality of spaced position recesses" on line 12 to --the plurality of spaced position recesses--.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 32-35 and 42, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Clark et al. (US 4,011,782).

Clark discloses all the recited elements of the invention including a housing (e.g., at 20), a motor (e.g., at 20) disposed with the housing for rotating a circular saw blade (e.g., 56), a foot having a generally flat bottom surface (e.g., 22), a saw blade adjustment detent mechanism pivotally interconnecting the foot to the housing (e.g., at 40) and including a detent holding assembly carrying a pivotable saw blade adjustment detent (e.g., 122) with a pivot axis on one end portion (e.g., at 116), a transverse ridge (e.g., at 124), and a spring (e.g., 126) for biasing the detent into engagement with a recess (e.g., 128), and an arcuate member (e.g., 26) defining a plurality of spaced position recesses (e.g., 128). Regarding claim 35, a mounting bracket (e.g., 134) engageable with a locking lever (e.g., 130).

6. Claims 32, 37-38, and 42, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by JP 59167202 (hereafter '202).

'202 discloses all the recited elements of the invention including a housing (e.g., at 2), a motor (e.g., 5) disposed with the housing for rotating a circular saw blade (e.g., 4), a foot having a generally flat bottom surface (e.g., 1), a saw blade adjustment detent mechanism pivotally interconnecting the foot to the housing (e.g., Figure 5) and including a detent holding assembly carrying a pivotable saw blade adjustment detent (e.g., 11) with a pivot axis on one end portion (e.g., the detent is pivotable when it is

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positioned as shown on Figure 6 and the pivot axis extends through one end portion to another end portion), a transverse ridge (e.g., 14), and a spring (e.g., 15) for biasing the detent into engagement with a recess (e.g., 13), and an arcuate member (e.g., 10) defining a plurality of spaced position recesses (e.g., 13). It is noted that a releasing force is applied to the foot via various connecting elements.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 39-41, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over '202 in view of Lewin et al. (US 6,691,418).

'202 discloses the invention substantially as claimed except for a bevel angle adjustment mechanism including a bevel angle detent and an arcuate member defining a plurality of spaced bevel angle recesses. Lewin discloses a bevel angle adjustment mechanism including a bevel angle detent (e.g., 48) and an arcuate member (e.g., 50) defining a plurality of spaced bevel angle intervals (e.g., 54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of '202 with a bevel angle adjustment mechanism as taught by Lewin as means for adjusting bevel angles. Regarding claim 41, a mounting bracket (e.g., 46) and a locking lever (e.g., 58).

***Allowable Subject Matter***

9. Claims 12-21 are allowed.
10. Claim 36 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

11. Applicant's arguments filed October 22, 2007 have been fully considered but they are not persuasive.

Applicant contends that Clark does not teach a circular saw as claimed and believes that the examiner's rejection is a ridiculous application of Clark to the claims. Applicant argues that there is no releasing force applied to the foot of Clark. Furthermore, applicant contends that '202 does not teach "said detent being disengaged from one of said position recesses when said foot is moved responsive to a releasing force being applied thereto".

The examiner respectfully disagrees. Given the broadest and reasonable interpretation of the claims, Clark does teach a circular saw. In addition, the detent of Clark can be disengaged from one the position recesses when a force is applied to the foot to move the foot. For example, an operator can disengage the detent from the position recess while applying a force to the foot to reposition the saw assembly including the foot on a supporting surface. Moreover, '202 teaches the detent (e.g., 11) can be disengaged from one of the position recesses (e.g., 13) by pushing in the detent while the foot is moved in response to a force to make an adjustment.

***Conclusion***

**12.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Choi/  
Primary Examiner, AU 3724  
16 November 2007